

WEST TISBURY ZONING BOARD OF APPEALS

Minutes for Thursday, October 7, 2021 meeting

Online meeting via ZOOM- @ 5:00 PM

APPROVED ON OCTOBER 21, 2021

Present: Larry Schubert, Julius Lowe, Deborah Wells and John Rau

Absent: Andy Zaikis, Jeffrey Kaye and Casey Decker

Also Present: Pam Thors, Bd. Administrator, Chris and Lesley Heidt, Doug Dowling and Travis Ritchie.

5:10 pm

Larry opened the meeting. The minutes of the meeting of September 30, 2021 were reviewed and approved with corrections.

Pam shared the Heidt site plan.

Larry read the hearing notice and the Special Ways Bylaw, noting that this lot is bordering on a designated Special Way, (Scrubby Neck Rd.). The pool shed location and request for setback relief was discussed.

5:15 pm - A Public Hearing on an Application for a Special Permit from Christopher and Lesley Heidt to construct an 18' x 40' pool with a pool equipment shed requiring 41' of Northerly lot line setback relief and a 2 story 672 sf. garage with second floor storage requiring 25' of Northerly lot line setback relief on a lot located in the Special Ways Zone of the Island Roads District under Section 8.5-4C, 11.2-2 and 4.2-2D4 of the Zoning Bylaws at 246 Vineyard Meadow Farms Rd, Assessors Map 37, Lot 16 RU District.

Chris Heidt, the owner, noted that the existing shed which would house the pool equipment, is farthest away from the dwelling on the abutting property most affected by the pool.

The request for setback relief for the garage was discussed. Chris noted the benefits of locating the garage near the house and adjacent to the driveway which would avoid the sloping portion of the rear lot.

John asked if the garage was just for parking cars. Lesley Heidt, the owner, noted that the 2nd floor area will be used for storage and not for any type of living space.

Pam read the letter of support written by the Ogdens, neighbors of the Heidts. Lesley said that she had also had a positive conversation with Mr. Surbeck, who owns the lot most affected by the project. Pam stated that the Planning Board had written a letter referring the application back to the ZBA. Anne Peters, an immediate abutter, voiced her support of the application, adding that the beneficiary of the Trust who owns the property was also in support of the project.

The google map was reviewed. Doug Dowling of Smith and Dowling Engineering and Surveying stated his opinion that the Google Maps do not accurately show the location of lot lines.

The site plan was also reviewed. Larry noted that the project is on the side of the lot opposite the side where the Special Way is located.

A motion was made by Julius Lowe and seconded by John Rau to close the Public Hearing and open the Board Meeting.

Julius said he would like to advise the Heidts that with the setback relief being granted, the chance of the garage ever being permitted to become any sort of dwelling would be prohibitive.

Larry went over the boiler plate conditions for pools.

Larry called for the vote to approve the application with conditions.

A rollcall vote was taken with the following resulting votes: L. Schubert-yes, Julius Lowe-yes, D. Wells-yes, J. Rau-yes

Larry went over the twenty-day appeal process.

Informal Hearing – Travis Ritchie for 63 Boghouse Way (Lynley Projects LLC).

Travis explained that the project is almost done. He said that his clients were hoping to add a 16' x 16' roof deck to an existing flat roof. He stated that his question to the board is whether this can be considered by them to be a de minimis change or whether they will need to re-apply to the ZBA.

The elevations facing the ocean which is where the roof deck is being proposed were reviewed. The floor plan and roof plan were also reviewed.

Larry asked if the flat roof was shown on the original plans. He also asked the board members if they recall any questions or comments about the flat roof during the original hearing. He added that he hesitates to call this a de minimis change since the original plans were approved without a roof deck. He noted that the proposed change would add a staircase, a railing and a new socializing area.

Julius commented that this request is for a fair amount of change from the original plans and that he agrees with Larry. John also agreed, adding that the noise from the deck might negatively affect the neighbors. Deborah said that neighbors should have the opportunity to weigh in on this proposal.

Larry told Travis that the owners would have to file a new application for the addition of the roof deck.

Travis thanked the board for their time.

Julius added that the flat roof in question was already approved for height relief.

All agreed that the discussion of changes to the ZBA application and review of the 3 letters, (correspondence), could be postponed until the next meeting.

The Meeting adjourned at 5:45 pm.

Respectfully Submitted,

Pam Thors-Board Administrator